

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD DOMINGUEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-00275-JLT-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS
RECOMMENDING DENYING
PLAINTIFF'S APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DENYING PLAINTIFF'S APPLICATION
TO PROCEED *IN FORMA PAUPERIS* AS
MOOT

ORDER DIRECTING CLERK OF THE
COURT TO ISSUE SUMMONS AND
SERVE DEFENDANT UNDER E-
SERVICE PROGRAM

On March 7, 2022, Plaintiff Richard Dominguez filed the complaint in this action seeking judicial review of the final decision of Defendant Commissioner of Social Security ("Defendant") denying his application for benefits under the Social Security Act. (ECF No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) On March 10, 2022, findings and recommendations issued recommending denying Plaintiff's motion to proceed *in forma pauperis*. (ECF No. 4.) Plaintiff submitted the filing fee on March 11, 2022.

On April 14, 2020, General Order Number 615 issued staying all Social Security actions filed after February 1, 2020, until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the

1 administrative record. E.D. Cal. G.O. 615. Pursuant to the general order, all cases are stayed
2 upon filing unless otherwise ordered by the court. On February 16, 2022, following notification
3 from the Commissioner that preparation of administrative records has resumed, General Order
4 Number 644 issued rescinding the Court's temporary stay in Social Security Matters, effective
5 April 1, 2022. E.D. Cal. G.O. 644.

6 The Court finds that it is appropriate to vacate the findings and recommendations and
7 direct service of the complaint in this action. Plaintiff's application to proceed *in forma pauperis*
8 is now moot and shall be denied on that basis. The matter will be stayed once service has been
9 effected on Defendant, until April 1, 2022, at which time the stay of the action will be
10 automatically lifted. The parties are hereby directed to paragraph 1 of the scheduling order to be
11 issued in this action, which provides that service of the Defendant shall proceed under the
12 Court's E-service program.

13 Accordingly, IT IS HEREBY ORDERED THAT:

- 14 1. Plaintiff's application to proceed without prepayment of fees, filed March 7, 2022
15 (ECF No. 2), is DENIED as moot;
- 16 2. The findings and recommendations filed March 10, 2022 (ECF No. 4), are
17 VACATED;
- 18 3. The Clerk of Court is DIRECTED to issue a summons and new case documents;
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1 4. The Clerk of Court is DIRECTED to deliver to the Commissioner of Social
2 Security Administration and the United States Attorney's Office at their
3 designated email addresses, a notice of electronic filing of this action along with
4 the summons and complaint.

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6 IT IS SO ORDERED.

7 Dated: March 14, 2022


UNITED STATES MAGISTRATE JUDGE